



Roll Call Number

Agenda Item Number

19-1350

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Date August 19, 2019

**HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF A PORTION OF THOMAS BECK ROAD RIGHT-OF-WAY LOCATED SOUTH OF AND ADJOINING 1235 THOMAS BECK ROAD AND CONVEYANCE TO FIRST MIDWEST OF IOWA CORPORATION D/B/A POMERANTZ REALTY CO. FOR \$4,040.00**

WHEREAS, on April 22, 2019 the Plan and Zoning Commission voted to recommend approval of a request from First Midwest of Iowa Corporation d/b/a Pomerantz Realty Co. to vacate an irregular segment of the north edge of Thomas Beck Road adjoining 1235 Thomas Beck Road, to allow for reconfiguration of the off-street parking lot in front of the building and mitigate off-street parking encroachments, subject to reservation of easements for any existing utilities; and

WHEREAS, First Midwest of Iowa Corporation d/b/a Pomerantz Realty Co., owner of 1235 Thomas Beck Road, has offered to the City of Des Moines ("City") the purchase price of \$4,040.00 for the purchase of the portion of vacated right-of-way located south of and adjoining 1235 Thomas Beck Road (hereinafter "Property"), to allow for assemblage with its adjoining property for reconfiguration of the off-street parking lot in front of the building in order to mitigate off-street parking encroachments, which price reflects the fair market value of the Property as determined by the City's Real Estate Division; and

WHEREAS, the City has no known current or anticipated public need for the Property proposed to be sold, subject to reservation of easements therein, and the City will not be inconvenienced by the vacation and sale of said Property; and

WHEREAS, on August 5, 2019, by Roll Call No. 19-1208, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation and conveyance of the Property be set for hearing on August 19, 2019, at 5:00 p.m., in the City Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa; and

WHEREAS, due notice of said proposal to vacate and convey the irregular segment of Thomas Beck Road right-of-way located south of and adjoining 1235 Thomas Beck Road, Des Moines, Iowa, was given to all necessary parties as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with City Council direction, those interested in the proposed vacation and conveyance, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Des Moines, Iowa, as follows:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed vacation and conveyance of the irregular segment of Thomas Beck Road right-of-way located south of and adjoining 1235 Thomas Beck Road, Des Moines, Iowa, as described herein, are hereby overruled and the hearing is closed.

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2. There is no public need or benefit for the right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of said right-of-way, legally described as follows, and said vacation is hereby approved:

A PART OF LOT 14 OF THE OFFICIAL PLAT OF SECTION 16, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE FIFTH PRINCIPAL MERIDIAN IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND ALSO BEING A PART OF THOMAS BECK ROAD RIGHT OF WAY, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 14; THENCE SOUTH 00°20'43" WEST ALONG THE EAST LINE OF SAID LOT 14, A DISTANCE OF 287.30 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF SAID THOMAS BECK ROAD; THENCE SOUTH 45°27'40" WEST ALONG SAID NORTHERLY LINE, 46.32 FEET; THENCE SOUTH 46°14'19" WEST CONTINUING ALONG SAID NORTHERLY LINE, 289.62 FEET; THENCE SOUTHWESTERLY CONTINUING ALONG SAID NORTHERLY LINE AND A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 1816.89 FEET, WHOSE ARC LENGTH IS 160.14 FEET AND WHOSE CHORD BEARS SOUTH 48°41'00" WEST, 160.08 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 38°19'08" EAST, 14.00 FEET; THENCE SOUTHWESTERLY ALONG A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 1830.89 FEET, WHOSE ARC LENGTH IS 24.92 FEET AND WHOSE CHORD BEARS SOUTH 51°36'07" WEST, 24.92 FEET; THENCE SOUTH 57°35'20" WEST, 146.46 FEET; THENCE NORTH 35°10'41" WEST, 4.70 FEET TO SAID NORTHERLY LINE; THENCE NORTH 54°49'19" EAST ALONG SAID NORTHERLY LINE, 59.15 FEET; THENCE NORTHEASTERLY CONTINUING ALONG SAID NORTHERLY LINE AND A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 1816.89 FEET, WHOSE ARC LENGTH IS 111.33 FEET AND WHOSE CHORD BEARS NORTH 52°57'49" EAST, 111.31 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.04 ACRES (1,616 SQUARE FEET)

3. The proposed sale of such vacated right-of-way, as legally described below and to the grantees and for the consideration identified below, subject to reservation of easements for utilities therein, is hereby approved:

Grantee: First Midwest of Iowa Corporation d/b/a Pomerantz Realty Co.

Consideration: \$4,040.00

Legal Description: A PART OF LOT 14 OF THE OFFICIAL PLAT OF SECTION 16, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE FIFTH PRINCIPAL MERIDIAN IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND ALSO BEING A PART OF VACATED THOMAS BECK ROAD RIGHT OF WAY, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 14; THENCE SOUTH 00°20'43" WEST ALONG THE EAST LINE OF SAID LOT 14, A DISTANCE OF 287.30 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF SAID THOMAS BECK ROAD; THENCE SOUTH 45°27'40" WEST ALONG SAID NORTHERLY LINE, 46.32 FEET; THENCE SOUTH 46°14'19" WEST CONTINUING ALONG SAID NORTHERLY LINE, 289.62 FEET; THENCE SOUTHWESTERLY CONTINUING ALONG SAID NORTHERLY LINE AND A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 1816.89 FEET, WHOSE ARC LENGTH IS 160.14 FEET AND WHOSE CHORD BEARS SOUTH 48°41'00" WEST, 160.08 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 38°19'08" EAST, 14.00 FEET; THENCE SOUTHWESTERLY

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ALONG A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 1830.89 FEET, WHOSE ARC LENGTH IS 24.92 FEET AND WHOSE CHORD BEARS SOUTH 51°36'07" WEST, 24.92 FEET; THENCE SOUTH 57°35'20" WEST, 146.46 FEET; THENCE NORTH 35°10'41" WEST, 4.70 FEET TO SAID NORTHERLY LINE; THENCE NORTH 54°49'19" EAST ALONG SAID NORTHERLY LINE, 59.15 FEET; THENCE NORTHEASTERLY CONTINUING ALONG SAID NORTHERLY LINE AND A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 1816.89 FEET, WHOSE ARC LENGTH IS 111.33 FEET AND WHOSE CHORD BEARS NORTH 52°57'49" EAST, 111.31 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.04 ACRES (1,616 SQUARE FEET).

4. The Mayor is authorized and directed to sign the Offer to Purchase and Quit Claim Deed for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
5. Upon proof of payment of the consideration, plus \$113.00 for publication and recording costs, the City Clerk is authorized and directed to forward the original of the Quit Claim Deed, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Real Estate Division of the Engineering Department for the purpose of causing said documents to be recorded.
6. The Real Estate Division Manager is authorized and directed to forward the original of the Quit Claim Deed, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Polk County Recorder's Office for the purpose of causing these documents to be recorded.
7. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Quit Claim Deed and a copy of the other documents to the grantee.
8. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

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Moved by Mandelbaum to adopt.

APPROVED AS TO FORM:

Eisa A. Wieland  
 Eisa A. Wieland, Assistant City Attorney

*PCW*

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED APPROVED

J. M. Franklin Cownie Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Diane Rauh City Clerk